

**FORTY-THIRD DAY**

(Monday, April 6, 1953)

The Senate met at 10:30 o'clock a. m., pursuant to adjournment, and was called to order by the President.

The roll was called and the following Senators were present:

Aikin	McDonald
Ashley	Moffett
Bell	Moore
Bracewell	Parkhouse
Colson	Phillips
Corbin	Rogers
Fuller	of Childress
Hardeman	Rogers of Travis
Hazlewood	Rutherford
Kazen	Sadler
Kelley	Secrest
Lane	Shireman
Latimer	Strauss
Lock	Wagon seller
Martin	Willis

**Absent—Excused**

Russell	Weinert
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A quorum was announced present.

Reverend Carlye Marney, Pastor of the First Baptist Church of Austin, offered the invocation.

On motion of Senator Aikin, and by unanimous consent, the reading of the Journal of the proceedings of Thursday, April 2, 1953, was dispensed with and the Journal was approved.

**Leaves of Absence**

Senator Russell was granted leave of absence for today on account of important business on motion of Senator Wagon seller.

Senator Weinert was granted leave of absence for today on account of illness in the family on motion of Senator Martin.

**Senate Resolution 206**

Senator Moffett offered the following resolution:

Whereas, We are honored today to have in the gallery the Senior Class of the Megargel High School, Mergargel, Texas, accompanied by Mr. Lloyd F. Elam, Superintendent; and

Whereas, These students and guests are on an educational tour of the

Capitol Building and the Capital City; and

Whereas, This fine class of young American citizens is here to observe and learn firsthand the workings of their State Government; now, therefore, be it

Resolved, That we officially recognize and welcome this class and commend them for their interest, and that a copy of this resolution, properly endorsed, bearing the official seal of the Senate, be mailed to them in recognition of their visit.

The resolution was read and was adopted.

Senator Moffett presented the class and their teachers to the Members of the Senate.

**Senate Bill 301 on First Reading**

Senator Phillips moved that Senate Rule 114 and Section 5 of Article III of the State Constitution be suspended to permit his introducing at this time, a bill, the provisions of which he explained.

The motion prevailed by the following vote:

**Yeas—28**

Aikin	Moffett
Ashley	Moore
Bell	Parkhouse
Bracewell	Phillips
Colson	Rogers
Corbin	of Childress
Fuller	Rogers of Travis
Hardeman	Rutherford
Hazlewood	Sadler
Kazen	Secrest
Kelley	Shireman
Lane	Strauss
Latimer	Wagon seller
Martin	Willis
McDonald	

**Absent**

Lock

**Absent—Excused**

Russell	Weinert
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The following bill was then introduced, read first time and referred to the committee indicated:

By Senator Phillips:

S. B. No. 301, A bill to be entitled "An Act amending Article 7548 of the Revised Civil Statutes of Texas, 1925, as amended by Chapter 313, Acts of

the 49th Legislature, 1945, relating to the use of beds and banks of water-courses for conveying, transporting and delivering stored storm, flood or rain water and prohibiting use or diversion thereof by others; etc.; and declaring an emergency."

To the Committee on Water Rights, Irrigation and Drainage.

**Senate Bill 302 on First Reading**

Senator Bell moved that Senate Rule 114 and Section 5 of Article III of the State Constitution be suspended to permit his introducing at this time, a bill, the provisions of which he explained.

The motion prevailed by the following vote:

**Yeas—29**

Aikin	McDonald
Ashley	Moffett
Bell	Moore
Bracewell	Parkhouse
Colson	Phillips
Corbin	Rogers
Fuller	of Childress
Hardeman	Rogers of Travis
Hazlewood	Rutherford
Kazen	Sadler
Kelley	Secrest
Lane	Shireman
Latimer	Strauss
Lock	Wagonseller
Martin	Willis

**Absent—Excused**

Russell	Weinert
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The following bill was then introduced, read first time and referred to the committee indicated:

By Senator Bell:

S. B. No. 302, A bill to be entitled "An Act creating within the State of Texas in addition to the districts into which the States have heretofore been divided a Navigation District to be known as The Calhoun County Navigation District consisting of all that part of Calhoun County, including all the land and water area of the county, except that part of said county now included by metes and bounds in the West Side Calhoun County Navigation District as described in Vol. H, pages 568-570, Minutes of the Commissioners' Court of Calhoun County, Texas; declaring the same to be a governmental agency with the power of a navigation district under the au-

thority of Chap. 9, Vernon's Civil Statutes, to accomplish the purposes of Section 59, Article 16 of the Constitution of Texas subject to certain limitations; providing for the appointment of six commissioners with overlapping terms; limiting its power of taxation as to right of purchase of State land and as to certain other powers; providing a severability clause; and declaring an emergency."

To the Committee on Water Rights, Irrigation and Drainage.

**Senate Bill 303 on First Reading**

Senator Parkhouse moved that Senate Rule 114 and Section 5 of Article III of the State Constitution be suspended to permit his introducing at this time, a bill, the provisions of which he explained.

The motion prevailed by the following vote:

**Yeas—29**

Aikin	McDonald
Ashley	Moffett
Bell	Moore
Bracewell	Parkhouse
Colson	Phillips
Corbin	Rogers
Fuller	of Childress
Hardeman	Rogers of Travis
Hazlewood	Rutherford
Kazen	Sadler
Kelley	Secrest
Lane	Shireman
Latimer	Strauss
Lock	Wagonseller
Martin	Willis

**Absent—Excused**

Russell	Weinert
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The following bill was then introduced, read first time and referred to the committee indicated:

By Senator Parkhouse:

S. B. No. 303, A bill to be entitled "An Act providing for the creation of county-wide hospital districts in counties having a population of 190,000 or more, according to the last preceding federal census; providing for an election in the county to create a county-wide hospital district; providing for the commissioner's court to levy a tax for the district for the purpose of issuing bonds, purchase acquisition, construction, maintenance, and operation of a hospital or hospital system; providing for the transfer of the title

to any land, building, or equipment to such district by a county that owns and operates a hospital or hospital system or by a county and city that jointly operate a hospital or hospital system; providing for the assumption of any bonds that are outstanding that may have been issued by a county or by a county, a city, or either of them for hospital purposes; providing a method of selecting a board of managers, their tenure of office to administer and operate said hospital, granting to such board of managers the power to promulgate rules and regulations for the operation of said hospital; providing that such hospital shall be maintained and operated by the district for the benefit of any indigent or needy persons who are inhabitants of said district; and declaring an emergency.

To the Committee on State Affairs.

#### Senate Bill 304 on First Reading

Senator Shireman moved that Senate Rule 114 and Section 5 of Article III of the State Constitution be suspended to permit his introducing at this time, a bill, the provisions of which he explained.

The motion prevailed by the following vote:

#### Yeas—28

Aikin	Moffett
Ashley	Moore
Bell	Parkhouse
Bracewell	Phillips
Colson	Rogers
Corbin	of Childress
Fuller	Rogers of Travis
Hardeman	Rutherford
Hazlewood	Sadler
Kazen	Secrest
Kelley	Shireman
Lane	Strauss
Latimer	Wagonseller
Lock	Willis
McDonald	

#### Nays—1

Martin

#### Absent—Excused

Russell                      Weinert

The following bill was then introduced, read first time and referred to the committee indicated:

By Senator Shireman:

S. B. No. 304, A bill to be entitled

"An Act providing for the appointment of county auditors by the district judge and county judge, or district judges and county judge, in certain counties having a population of One Hundred Sixty-three Thousand (163,000) inhabitants or over, according to the last preceding Federal Census and having a tax valuation of Two Hundred and Ten Million Dollars (\$210,000,000.00) or less, according to the last approved tax roll; providing that the action shall be recorded in the minutes of the district court of the county; providing that the clerk thereof shall certify the same to the commissioners court; providing that the commissioners court shall cause the same to be recorded in its minutes with an order directing the payment of the auditor's salary; providing salaries for such county auditors from county funds within maximum and minimum limitations, and the method of fixing and paying of same; providing that any increase in the salary of any such county auditors, over and above the annual salary allowed such county auditor under the General Law provided in Article 1645, as said Article existed on January 1, 1940, shall only be allowed or permitted with the express consent and approval of the commissioners court of the county whose county auditor is affected or may be affected by the provisions of this Act; providing that such consent and approval of such commissioners court shall be made by order of such court and recorded in the minutes of the commissioners court of such county; and declaring an emergency."

To the Committee on Civil Jurisprudence.

#### Senate Concurrent Resolution 34 on First Reading

Senator Willis moved that Senate Rule 114 and Section 5 of Article III of the State Constitution be suspended to permit his introducing at this time, a resolution, the provisions of which he explained.

The motion prevailed by the following vote:

#### Yeas—29

Aikin	Colson
Ashley	Corbin
Bell	Fuller
Bracewell	Hardeman

Hazlewood	Phillips
Kazen	Rogers
Kelley	of Childress
Lane	Rogers of Travis
Latimer	Rutherford
Lock	Sadler
Martin	Secrest
McDonald	Shireman
Moffett	Strauss
Moore	Wagonseller
Parkhouse	Willis

Absent—Excused

Russell                      Weinert

The following resolution was then introduced, read first time and referred to the committee indicated:

By Senator Willis:

S. C. R. No. 34, Granting R. E. Bibb, et al., permission to sue the State.

Whereas, R. E. Bibb, W. N. Cato, Loretta Dugan and E. O. Steffensen, doing business as Exchange Feed Company of Fort Worth, Tarrant County, Texas, has furnished approximately 30 tons of feed to the Wichita Falls State Hospital pursuant to a contract dated November 24, 1952, with the State Board of Control, and

Whereas, R. E. Bibb, W. N. Cato, Loretta Dugan and E. O. Steffensen, doing business as Exchange Feed Company of Fort Worth, Tarrant County, Texas, has furnished approximately 22½ tons of feed to the Rusk State Hospital pursuant to contract dated December 3, 1952, with the State Board of Control, and

Whereas, R. E. Bibb, W. N. Cato, Loretta Dugan and E. O. Steffensen, doing business as Exchange Feed Company of Fort Worth, Tarrant County, Texas, has furnished approximately 20 tons of feed to the Texas Prison System pursuant to a contract dated November 18, 1952, with the State Board of Control, and

Whereas, R. E. Bibb, W. N. Cato, Loretta Dugan and E. O. Steffensen, doing business as Exchange Feed Company of Fort Worth, Tarrant County, Texas, have not been compensated for such feed so furnished; therefore, be it

Resolved by the Senate of the State of Texas, the House of Representatives concurring, that R. E. Bibb, W. N. Cato, Loretta Dugan and E. O. Steffensen, doing business as Exchange Feed Company of Fort Worth, Tarrant County, Texas, be and are hereby

granted permission to sue the State of Texas in a district court in Tarrant County, Texas, or in any other court of competent jurisdiction in this State to ascertain and fix the amount, if any, the State of Texas is indebted to R. E. Bibb, W. N. Cato, Loretta Dugan and E. O. Steffensen, doing business as Exchange Feed Company of Fort Worth, Tarrant County, Texas, by reason of delivery to and the acceptance and use by the above-named State agencies of approximately 72½ tons of feed belonging to R. E. Bibb, W. N. Cato, Loretta Dugan and E. O. Steffensen, doing business as Exchange Feed Company of Fort Worth, Tarrant County, Texas. Such suit may be filed in any court of competent jurisdiction in the State of Texas at any time within two years from the date this resolution takes effect, and if no such suit is filed within two years from the date of this resolution R. E. Bibb, W. N. Cato, Loretta Dugan and E. O. Steffensen, doing business as Exchange Feed Company of Fort Worth, Tarrant County, Texas, shall not thereafter have the right to institute such suit. In case such suit is filed service of citation or any other necessary processes may be had upon the Chairman of the State Board of Control or the Attorney General of the State of Texas, and the same shall have the same force and effect as made and provided in civil cases, and either of the parties of said suit shall have the right of appeal, and it is so resolved.

However, it is to be understood that the purpose of this resolution is to grant permission to R. E. Bibb, W. N. Cato, Loretta Dugan and E. O. Steffensen, doing business as Exchange Feed Company of Fort Worth, Tarrant County, Texas, to bring suit against the State of Texas and no admission of liability of the State of Texas is made by this resolution and the facts as set out herein must be proved in a court of competent jurisdiction.

To the Committee on Civil Jurisprudence.

#### Senate Bill 305 on First Reading

Senator Bracewell moved that Senate Rule 114 and Section 5 of Article III of the State Constitution be suspended to permit his introducing at this time, a bill, the provisions of which he explained.

The motion prevailed by the following vote:

## Yeas—29

Aikin	McDonald
Ashley	Moffett
Bell	Moore
Bracewell	Parkhouse
Colson	Phillips
Corbin	Rogers
Fuller	of Childress
Hardeman	Rogers of Travis
Hazlewood	Rutherford
Kazen	Sadler
Kelley	Secrest
Lane	Shireman
Latimer	Strauss
Lock	Wagonseller
Martin	Willis

## Absent—Excused

Russell                      Weinert

The following bill was then introduced, read first time and referred to the committee indicated:

By Senator Bracewell:

S. B. No. 305, A bill to be entitled "An Act to define the offense of encouraging or contributing to child delinquency and prescribing the punishment therefor, stating the definition of the term delinquency, fixing the jurisdiction of the court, authorizing the court to suspend any sentence imposed and to require a bond conditioned on the performance of conditions imposed by the court, amending and re-enacting House Bill 656, Chapter 500, Acts Fifty-first Legislature, Regular Session, 1949; repealing Article 534 of the Penal Code of Texas, 1925, as amended, insofar as it conflicts herewith; and declaring an emergency."

To the Committee on Criminal Jurisprudence.

## Senate Bill 306 on First Reading

Senator Phillips moved that Senate Rule 114 and Section 5 of Article III of the State Constitution be suspended to permit his introducing at this time, a bill, the provisions of which he explained.

The motion prevailed by the following vote:

## Yeas—29

Aikin	Bracewell
Ashley	Colson
Bell	Corbin

Fuller	Parkhouse
Hardeman	Phillips
Hazlewood	Rogers
Kazen	of Childress
Kelley	Rogers of Travis
Lane	Rutherford
Latimer	Sadler
Lock	Secrest
Martin	Shireman
McDonald	Strauss
Moffett	Wagonseller
Moore	Willis

## Absent—Excused

Russell                      Weinert

The following bill was then introduced, read first time and referred to the committee indicated:

By Senator Phillips:

S. B. No. 306, A bill to be entitled "An Act amending Article 6023 of Title 102 of the Revised Civil Statutes of Texas, 1925; and declaring an emergency."

To the Committee on Water Rights, Irrigation and Drainage.

## Senate Bill 307 on First Reading

Senator Phillips moved that Senate Rule 114 and Section 5 of Article III of the State Constitution be suspended to permit his introducing at this time, a bill, the provisions of which he explained.

The motion prevailed by the following vote:

## Yeas—29

Aikin	McDonald
Ashley	Moffett
Bell	Moore
Bracewell	Parkhouse
Colson	Phillips
Corbin	Rogers
Fuller	of Childress
Hardeman	Rogers of Travis
Hazlewood	Rutherford
Kazen	Sadler
Kelley	Secrest
Lane	Shireman
Latimer	Strauss
Lock	Wagonseller
Martin	Willis

## Absent—Excused

Russell                      Weinert

The following bill was then introduced, read first time and referred to the committee indicated:

By Senator Phillips:

S. B. No. 307, A bill to be entitled "An Act amending Title 102 of the Revised Civil Statutes of Texas, 1925, by adding Article 6029a, providing that the Railroad Commission of Texas shall make and enforce rules, regulations and orders in connection with the drilling of exploratory wells, including shot holes, and wells for oil or gas, the production of oil or gas, and the operation and abandonment of such wells, to prevent the pollution of any subsurface fresh waters or of the streams and public bodies of surface water of the State which could or might result in the escape or release of crude petroleum oil or salt water from any such well, or any strata through or into which the same is drilled, or from operations in connection therewith."

To the Committee on Water Rights, Irrigation and Drainage.

#### Senate Bill 308 on First Reading

Senator Phillips moved that Senate Rule 114 and Section 5 of Article III of the State Constitution be suspended to permit his introducing at this time, a bill, the provisions of which he explained.

The motion prevailed by the following vote:

#### Yeas—29

Aikin	McDonald
Ashley	Moffett
Bell	Moore
Bracewell	Parkhouse
Colson	Phillips
Corbin	Rogers
Fuller	of Childress
Hardeman	Rogers of Travis
Hazlewood	Rutherford
Kazen	Sadler
Kelley	Secrest
Lane	Shireman
Latimer	Strauss
Lock	Wagonseller
Martin	Willis

#### Absent—Excused

Russell	Weinert
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The following bill was then introduced, read first time and referred to the committee indicated:

By Senator Phillips:

S. B. No. 308, A bill to be entitled "An Act authorizing the State Board of Water Engineers of Texas to make

an investigation and study of the causes, sources and extent of pollution of the streams and public waters of the State and of the means of correcting and preventing such pollution; providing that it shall report the results of its investigation and studies with suggestions and recommendations for correcting and removing the sources of pollution to the Railroad Commission of Texas, the State Department of Health and the Fish, Game and Oyster Commission of the State of Texas; providing for the cooperation of said Departments; and declaring an emergency."

To the Committee on Water Rights, Irrigation and Drainage.

#### Senate Resolution 207

Senator Lane offered the following resolution:

Whereas, Mark Hardeman and Bryan Hardeman, the sons of our distinguished colleague, the Honorable Dorsey B. Hardeman, are in the Capitol today; and

Whereas, These young gentlemen are accompanied by their mother, Mrs. Dorsey B. Hardeman; and

Whereas, It is the desire of the Members of the Senate to recognize the presence of these splendid young men and their lovely mother, and to extend to them a hearty welcome to the Capital City and to the Senate Chamber; now, therefore, be it

Resolved, By the Senate of Texas, that their presence be recognized by the Senate of Texas and that they be extended the official welcome of the Senate.

The resolution was read and was adopted.

Senator Lane presented Mrs. Hardeman, Mark and Bryan to the Members of the Senate.

#### Report of Standing Committee

By unanimous consent, Senator Moore submitted the following report:

Austin, Texas,  
April 6, 1953.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Insurance, to whom was referred S. B. No. 300, have had the same under consideration, and we are instructed to report it back to the Senate with the

recommendation that it do pass and be printed.

MOORE, Chairman.

#### Message From the Governor

The following message, received from the Governor today, was read and was referred to the Committee on Nominations of the Governor:

Austin, Texas,  
April 6, 1953.

To the Senate of the Fifty-third Legislature:

I ask the advice, consent and confirmation of the Senate with respect to the following appointment:

To be a member of the State Board of Plumbing Examiners to fill the unexpired term of O. R. Walker, Lubbock, resigned, term to expire May 28, 1955, Charles E. Armstrong, Fort Worth, Tarrant County.

Respectfully submitted,  
ALLAN SHIVERS,  
Governor of Texas.

#### Senate Concurrent Resolution 9 on Second Reading

On motion of Senator Rutherford, and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S. C. R. No. 9, Granting H. C. Womack permission to sue the State.

The resolution was read second time and was passed to engrossment.

#### Senate Concurrent Resolution 9 on Third Reading

Senator Rutherford moved that the Constitutional rule requiring resolutions to be read on three several days be suspended and that S. C. R. No. 9 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—29

Aikin	Kazen
Ashley	Kelley
Bell	Lane
Bracewell	Latimer
Colson	Lock
Corbin	Martin
Fuller	McDonald
Hardeman	Moffett
Hazlewood	Moore

Parkhouse	Sadler
Phillips	Secrest
Rogers	Shireman
of Childress	Strauss
Rogers of Travis	Wagonseller
Rutherford	Willis

Absent—Excused

Russell                      Weinert

The President then laid the resolution before the Senate on its third reading and final passage.

The resolution was read third time and was adopted.

#### Senate Bill 119 With House Amendments

Senator Rogers of Travis called S. B. No. 119 from the President's table for consideration of the House amendments to the bill.

The President laid the bill and House amendments before the Senate, and the House amendments were read.

Senator Rogers of Travis moved that the Senate concur in the House amendments.

The motion prevailed.

#### Senate Resolution 208

Senator Secrest offered the following resolution:

Whereas, We are honored today to have in the gallery the entire school of Heidenheimer, Texas, accompanied by Mrs. Zadie Hairgrove and Mrs. Louie Steglich, teachers, and several parents and school board members, and

Whereas, The students and guests are on an educational tour of the Capitol Building and the Capital City; and

Whereas, This fine class of young American citizens is here to observe and learn firsthand the workings of their State Government; now, therefore, be it

Resolved, That we officially recognize and welcome this class and commend them for their interest, and that a copy of this resolution, properly endorsed, bearing the official seal of the Senate, be mailed to them in recognition of their visit.

The resolution was read and was adopted.

Senator Secrest presented the pupils and the other guests to the Members of the Senate.

**Committee Substitute  
Senate Bill 21 on Second Reading**

On motion of Senator Strauss and by unanimous consent, the regular order of business was suspended to make up for consideration at this time on its second reading and passage to engrossment:

C. S. S. B. No. 21, A bill to be entitled "An Act to revise and codify the laws relating to the profession of funeral directing and embalming; to create a State Board of Morticians; to define the duties and powers thereof and the tenure of members; to provide for the adoption and promulgation of rules and regulations for the transaction of its business and the betterment and promotion of the standards of education, service and practice in the profession of funeral directing and embalming; etc., and declaring an emergency."

The bill was read second time.

Senator Aikin offered the following amendment to the bill:

Amend S. B. No. 21 by adding after the last sentence in subsection "C" of Section 2, the following:

"The number of employees and the salary of each shall be as fixed by the biennial appropriation bill."

The amendment was adopted.

The bill, as amended, was passed to engrossment.

**Committee Substitute  
Senate Bill 21 on Third Reading**

Senator Strauss moved that the Constitutional rule requiring bills to be read on three several days be suspended and that Senate Bill No. 21 be placed on its third reading and final passage.

The motion prevailed by the following vote:

**Yeas—28**

Aikin	Fuller
Ashley	Hardeman
Bell	Hazlewood
Bracewell	Kazen
Colson	Kelley
Corbin	Lane

Latimer	Rogers of Travis
Lock	Rutherford
Martin	Sadler
McDonald	Secrest
Moffett	Shireman
Moore	Strauss
Phillips	Wagonseller
Rogers of Childress	Willis

**Nays—1**

Parkhouse

**Absent—Excused**

Russell

Weinert

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

**Yeas—28**

Aikin	McDonald
Ashley	Moffett
Bell	Moore
Bracewell	Phillips
Colson	Rogers
Corbin	of Childress
Fuller	Rogers of Travis
Hardeman	Rutherford
Hazlewood	Sadler
Kazen	Secrest
Kelley	Shireman
Lane	Strauss
Latimer	Wagonseller
Lock	Willis
Martin	

**Nays—1**

Parkhouse

**Absent—Excused**

Russell

Weinert

**Senate Bill 215 on Second Reading**

On motion of Senator Rogers of Childress and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S. B. No. 215, A bill to be entitled "An Act relating to public grain warehouses; dealing with the storage in bulk of nonperishable grains and field seeds; defining certain terms as used in this Act; vesting certain powers and duties in the State Commissioner of Agriculture, etc.; and declaring an emergency."



The bill was read second time and was passed to engrossment.

### Senate Bill 215 on Third Reading

Senator Rogers of Childress moved that the Constitutional rule requiring bills to be read on third several days be suspended and that Senate Bill No. 215 be placed on its third reading and final passage.

The motion prevailed by the following vote:

#### Yeas—29

Aikin	McDonald
Ashley	Moffett
Bell	Moore
Bracewell	Parkhouse
Colson	Phillips
Corbin	Rogers
Fuller	of Childress
Hardeman	Rogers of Travis
Hazlewood	Rutherford
Kazen	Sadler
Kelley	Secrest
Lane	Shireman
Latimer	Strauss
Lock	Wagon seller
Martin	Willis

#### Absent—Excused

Russell                      Weinert

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time.

Senator Bracewell offered the following amendment to the bill:

Amend S. B. No. 215 by adding at the end of Section 21 the following:

"The number of employees and the salaries and travel allowance for each shall be fixed by the biennial appropriation bill."

BRACEWELL  
AIKIN

The amendment was adopted by the following vote:

#### Yeas—27

Aikin	Kazen
Ashley	Kelley
Bell	Lane
Bracewell	Latimer
Colson	Martin
Corbin	McDonald
Fuller	Moffett
Hardeman	Moore
Hazlewood	Parkhouse

Phillips	Secrest
Rogers	Shireman
of Childress	Strauss
Rogers of Travis	Wagon seller
Sadler	Willis

#### Absent

Lock                      Rutherford

#### Absent—Excused

Russell                      Weinert

The bill was then passed by the following vote:

#### Yeas—28

Aikin	McDonald
Ashley	Moffett
Bell	Moore
Bracewell	Parkhouse
Colson	Phillips
Corbin	Rogers
Fuller	of Childress
Hardeman	Rogers of Travis
Hazlewood	Sadler
Kazen	Secrest
Kelley	Shireman
Lane	Strauss
Latimer	Wagon seller
Lock	Willis
Martin	

#### Absent

Rutherford

#### Absent—Excused

Russell                      Weinert

### Senate Bill 72 on Second Reading

On motion of Senator Fuller, and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S. B. No. 72, A bill to be entitled "An Act amending Chapter 163, Acts of the 42nd Legislature, Regular Session, 1931, as amended, to specifically authorize cities and counties to enter into lump sum or unit price contracts and to make certain changes in the work to be performed or materials, equipment and supplies to be furnished under public contracts; validating, ratifying, confirming and approving certain contracts, scrip warrants and time warrants authorized by counties or cities since the approval by the Governor of Texas of Chapter 164, Acts of the 52nd Legislature, Regular Session, 1951; vali-

dating, ratifying, confirming and approving refunding bonds issued for the purpose of refunding time warrants and all proceedings relating to the issuance of refunding bonds for such purposes; providing that this Act shall not apply to any contract, scrip warrant or time warrant or to any refunding bond proceedings, ordinances, resolutions or other instruments, or bonds executed or issued by any county with a population in excess of three hundred thousand (300,000) according to the last preceding Federal Census, or any contract, scrip warrant or time warrant or any refunding bond proceedings, ordinances, resolutions or other instruments, or bonds, the validity of which is now involved in litigation; providing a severability clause; and declaring an emergency."

The bill was read second time and was passed to engrossment.

#### Senate Bill 72 on Third Reading

Senator Fuller moved that the Constitutional rule requiring bills to be read on three several days be suspended and that Senate Bill No. 72 be placed on its third reading and final passage.

The motion prevailed by the following vote:

#### Yeas—24

Ashley	Moore
Bell	Parkhouse
Bracewell	Phillips
Colson	Rogers
Corbin	of Childress
Fuller	Rogers of Travis
Hazlewood	Sadler
Kazen	Secrest
Kelley	Shireman
Lane	Strauss
Latimer	Wagonseller
McDonald	Willis
Moffett	

#### Nays—2

Aikin	Martin
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#### Absent

Hardeman	Rutherford
Lock	

#### Absent—Excused

Russell	Weinert
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The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed.

#### Record of Vote

Senators Aikin, Hardeman, and Martin asked to be recorded as voting "nay" on the final passage of S. B. No. 72.

#### Committee Substitute

#### Senate Bill 73 on Second Reading

On motion of Senator Willis, and by unanimous consent, the President laid before the Senate as pending business C. S. S. B. No. 73, on second reading with an amendment by Senator Parkhouse pending. (The bill having been read the second time on Tuesday, March 31, 1953.)

Question—Shall the amendment by Senator Parkhouse to C. S. S. B. No. 73 be adopted?

On motion of Senator Parkhouse, and by unanimous consent, the amendment offered by Senator Parkhouse was withdrawn.

Senator McDonald offered the following amendment to the bill:

Amend C. S. for S. B. 73, page 1, line 65, by striking from said line following the word "number" the following, "voting in the last preceding municipal election," and substituting therefor the following, "of the qualified voters of said city."

Senator Willis moved to table the amendment By Senator McDonald.

The motion to table was lost by the following vote:

#### Yeas—12

Aikin	Rogers
Corbin	of Childress
Fuller	Rogers of Travis
Hardeman	Rutherford
Moffett	Shireman
Phillips	Wagonseller
	Willis

#### Nays—17

Ashley	Lock
Bell	Martin
Bracewell	McDonald
Colson	Moore
Hazlewood	Parkhouse
Kazen	Sadler
Kelley	Secrest
Lane	Strauss
Latimer	

**Absent—Excused**

Russell                      Weinert

Question recurring on the amendment, it was adopted.

The bill, as amended, was passed to engrossment.

**Motion to Place Committee Substitute Senate Bill 73 on Third Reading**

Senator Willis moved that the Constitutional rule requiring bills to be read on three several days be suspended and that C. S. S. B. No. 73 be placed on its third reading and final passage.

The motion was lost by the following vote (not receiving four-fifths vote of the Members present):

**Yeas—21**

Aikin	Phillips
Bell	Rogers
Colson	of Childress
Corbin	Rogers of Travis
Fuller	Rutherford
Hardeman	Sadler
Hazlewood	Secrest
Lane	Shireman
Latimer	Strauss
Moffett	Wagonseller
Moore	Willis

**Nays—8**

Ashley	Lock
Bracewell	Martin
Kazen	McDonald
Kelley	Parkhouse

**Absent—Excused**

Russell                      Weinert

**Senate Bill 123 on Second Reading**

On motion of Senator Rogers of Travis and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S. B. No. 123, A bill to be entitled "An Act granting State employees who executed waivers in the Employees Retirement System of Texas the privilege to deposit with the Employees Retirement System of Texas all back contributions and dues commencing with the State fiscal year, September 1, 1947, for each of the years actually employed since 1947, providing said employee was employed by a State Department during the

fiscal year commencing September 1, 1952; etc., and declaring an emergency."

The bill was read second time.

Senator Rogers of Travis offered the following amendment to the bill:

Amend S. B. No. 123 by striking out Section 2 thereof and renumbering the sections accordingly.

The amendment was adopted.

On motion of Senator Rogers of Travis and by unanimous consent, the caption was amended to conform to the body of the bill, as amended.

The bill, as amended, was passed to engrossment.

**Senate Bill 123 on Third Reading**

Senator Rogers of Travis moved that the Constitutional rule requiring bills to be read on three several days be suspended and that Senate Bill No. 123 be placed on its third reading and final passage.

The motion prevailed by the following vote:

**Yeas—29**

Aikin	McDonald
Ashley	Moffett
Bell	Moore
Bracewell	Parkhouse
Colson	Phillips
Corbin	Rogers
Fuller	of Childress
Hardeman	Rogers of Travis
Hazlewood	Rutherford
Kazen	Sadler
Kelley	Secrest
Lane	Shireman
Latimer	Strauss
Lock	Wagonseller
Martin	Willis

**Absent—Excused**

Russell                      Weinert

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

**Yeas—29**

Aikin	Colson
Ashley	Corbin
Bell	Fuller
Bracewell	Hardeman

Hazlewood	Phillips
Kazen	Rogers
Kelley	of Childress
Lane	Rogers of Travis
Latimer	Rutherford
Lock	Sadler
Martin	Secrest
McDonald	Shireman
Moffett	Strauss
Moore	Wagonseller
Parkhouse	Willis

Absent—Excused

Russell	Weinert
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### Senate Joint Resolution 2 on Second Reading

On motion of Senator Parkhouse and by unanimous consent of the Senate, S. J. R. No. 2 was called from the President's table.

The President laid before the Senate S. J. R. No. 2 on second reading. (The resolution having been read the second time on Tuesday, March 31, 1953, and laid on the table Subject to Call with an amendment by Senator Parkhouse and a substitute for Senator Parkhouse's amendment by Senator Hardeman pending.)

Question—Shall the substitute by Senator Hardeman for the amendment by Senator Parkhouse on S. J. R. No. 2 be adopted?

Senator Parkhouse, by unanimous consent of the Senate, withdrew his pending amendment, which automatically withdrew the substitute by Senator Hardeman for Senator Parkhouse's amendment.

Senator Hardeman offered the following amendment to the resolution:

Amend S. J. R. No. 2 by striking out all below the Resolving Clause and substitute therefor the following:

Section 1. That Article IX of the Constitution of the State of Texas be, and the same is hereby amended by adding thereto another section, to be designated as Section 4, which shall read as follows:

"Section 4. The Legislature may by law authorize the creation of county-wide hospital districts in counties having a population in excess of 190,000, with power to issue bonds for the purchase, acquisition, construction, maintenance and operation of any county-owned hospital, or where the hospital system, jointly operated by

a county and city within the county, and to provide for the transfer to the county-wide hospital district of the title to any land, buildings or equipment, jointly or separately owned, and for the assumption by the district of any outstanding bonded indebtedness issued by the county and city, or either of them; for such hospital district; to levy a tax not to exceed Seventy-five (\$.75) cents on the One Hundred (100.00) dollars valuation of all taxable property within such district, provided, however, that such district shall be approved at an election held for that purpose, and that only qualified property taxpaying voters in such county shall vote therein; and provided further that such hospital district shall assume full responsibility for providing medical and hospital care to needy inhabitants of the county, and thereafter such county and cities therein shall not levy any other tax for hospital purposes; and provided further that should such hospital district construct, maintain and support a hospital or hospital system, that the same shall never become a charge against the State of Texas, nor shall any direct appropriation ever be made by the Legislature for the construction, maintenance or improvement of the said hospital or hospitals."

Section 2. The foregoing Constitutional Amendment shall be submitted to a vote of the qualified property taxpaying voters of this State at the General Election to be held on the first Tuesday after the first Monday in November, 1954, at which election all ballots shall have printed thereon: "FOR the Constitutional Amendment granting power to the Legislature to pass laws authorizing the creation of county-wide hospital districts in any county having a population in excess of 190,000, and to levy a hospital tax"; and "AGAINST the Constitutional Amendment granting power to the Legislature to authorize the creation of county-wide hospital districts in any county having a population in excess of 190,000, and to levy a hospital tax."

Section 3. The Governor shall issue the necessary proclamation for said election and have the same published as required by the Constitution and Laws of this State.

**PARKHOUSE  
HARDEMAN**

The amendment was adopted.

(Senator Aikin in the Chair.)

On motion of Senator Hardeman and by unanimous consent, the caption was amended to conform to the body of the resolution, as amended.

The resolution, as amended, was passed to engrossment.

#### Senate Joint Resolution 2 on Third Reading

Senator Parkhouse moved that the Constitutional rule requiring resolutions to be read on three several days be suspended and that S. J. R. No. 2 be placed on its third reading and final passage.

The motion prevailed by the following vote:

#### Yeas—29

Aikin	McDonald
Ashley	Moffett
Bell	Moore
Bracewell	Parkhouse
Colson	Phillips
Corbin	Rogers
Fuller	of Childress
Hardeman	Rogers of Travis
Hazlewood	Rutherford
Kazen	Sadler
Kelley	Secrest
Lane	Shireman
Latimer	Strauss
Lock	Wagonseller
Martin	Willis

#### Absent—Excused

Russell                      Weinert

The presiding officer then laid the resolution before the Senate on its third reading and final passage.

The resolution was read third time and was passed by the following vote:

#### Yeas—29

Aikin	McDonald
Ashley	Moffett
Bell	Moore
Bracewell	Parkhouse
Colson	Phillips
Corbin	Rogers
Fuller	of Childress
Hardeman	Rogers of Travis
Hazlewood	Rutherford
Kazen	Sadler
Kelley	Secrest
Lane	Shireman
Latimer	Strauss
Lock	Wagonseller
Martin	Willis

#### Absent—Excused

Russell                      Weinert

#### Senate Bill 136 on Second Reading

Senator Corbin asked unanimous consent to suspend the regular order of business to take up for consideration at this time S. B. No. 136.

There was objection.

Senator Corbin then moved to suspend the regular order of business and take up S. B. No. 136 for consideration at this time.

The motion prevailed by the following vote:

#### Yeas—27

Aikin	Moffett
Ashley	Moore
Bell	Parkhouse
Bracewell	Phillips
Colson	Rogers
Corbin	of Childress
Fuller	Rogers of Travis
Hardeman	Rutherford
Hazlewood	Sadler
Kazen	Secrest
Lane	Shireman
Latimer	Strauss
Lock	Wagonseller
Martin	Willis

#### Nays—1

McDonald

#### Absent

Kelley

#### Absent—Excused

Russell                      Weinert

The presiding officer laid before the Senate for consideration at this time, on its second reading and passage to engrossment, the following bill:

S. B. No. 136, A bill to be entitled "An Act to amend Article 5506a, Revised Civil Statutes of Texas, 1925; providing that reasonable charges shall be made for hospital services; allowing more than one hospital treating such injuries to have the benefit of a lien on any damages recovered by the injured person; excepting certain hospitals from the operation of this Act; providing an increased filing fee for recording such liens; allowing examination of the records of such injured persons with their consent; containing a severabil-

ity clause; repealing all laws and parts of laws in conflict; and declaring an emergency."

The bill was read second time.

Senator Corbin offered the following Committee Amendment to the bill:

Amend Senate Bill No. 136 by striking out each line that appears below the enacting clause and substituting in lieu thereof the following:

Section 1. That Article 5506a, Revised Civil Statutes of Texas of 1925, as amended, be amended, and is hereby amended to read as follows:

Article 5506a. Sec. 1. Every association, individual, corporation, or other institution maintaining a hospital or clinic rendering hospital services in the State of Texas shall be entitled to a lien upon any and all rights of action, suits, claims, counterclaims, or demands of any persons admitted to any hospital and receiving treatment, care, and maintenance therein, on account of any personal injuries received in any accident as the result of the alleged negligence of any other person or firm or corporation or joint stock association, his, its, or their agent, servant or employee, which any such injured person may or shall have, assert, or maintain against any such other person or firm or corporation or joint stock association for damages on account of such injuries, for the amount of the charges of such hospital or clinic for such treatment, care and maintenance as may have been given to the injured persons. Provided the lien provided for herein shall not exist or attach unless the injured person is received in a hospital within seventy-two (72) hours after the happening of the accident causing the injury, in which case both the admitting hospital and any hospital to which such injured person may be transferred from the admitting hospital for subsequent treatments of the same injuries for which he was originally admitted shall be entitled to such lien.

Sec. 2. The lien of any such hospital shall also attach to any verdict, report, decision, decree, award, judgment, or final order made or rendered in any action or proceeding, in any court in Texas, or any public board or bureau in any suit, action or proceeding brought by such injured persons, by any person entitled thereto in case of death of such injured person against

any other person or corporation or joint stock association for the recovery of damages or compensation on account of injuries received in any such accident, as well as the proceeds of any settlement thereof, or the settlement of any such claim or demand effected by any such injured person or other person entitled thereto with any other person or firm or corporation or joint stock association whose negligence is claimed or alleged to have been the cause of said accident.

Sec. 3. No release of any claim or demand on account of any such injuries, or in respect of any such verdict, report, decision, decree, award, judgment, or final order, made and rendered, as hereinbefore mentioned, executed by any such injured person, or by any person entitled thereto, shall be valid or effectual between the parties thereto or otherwise, unless prior to the execution and delivery thereof, all such charges of any such hospital or institution or clinic, furnishing hospital services, which has filed its, his, or their lien as hereinafter provided, shall have been paid in full, or to the extent of a full and true consideration paid and given to the injured person by the other party or parties to such release named therein or paid and given by any other person or corporation in behalf of such other party or parties, or unless such release shall also have been executed by the person, corporation, association, or institution maintaining such hospital; and every such verdict, report, decision, decree, award, judgment, or final order shall remain in force and effect until all such charges of any hospital or institution shall have been paid in full or to the extent of any such verdict, report, decision, decree, award, judgment or order; provided such hospital, institution, or clinic furnishing said services does not charge more than a reasonable and regular rate for such services, in no event to exceed fifteen dollars (\$15.00) per day for room charge for not longer than 100 days; provided that a notice in writing containing the name and address of the injured person, the date of the accident, the name and location of the hospital or clinic rendering the service, and if known, the name of the persons or person, firm or firms, corporations or corporation, alleged to be liable to pay damages to such injured person for such injuries so received, shall be filed in the office of the County Clerk

of the county in which such injury shall have occurred, prior to the payment of any moneys to such injured person or his legal representative or other person entitled thereto as damages for or on account of such injuries. Provided further that this lien shall not attach to any claim for amounts due the injured person under the Workmen's Compensation Act of the State of Texas, or Federal Liability Act, or Federal Longshoremen's or Harbor Workers' Act. Provided further, that the lien provided for in this Act shall not attach to any claim for amounts due the injured person by any person, firm, association, corporation, or receiver, or receivers, or his, its, or their employees, owning and/or operating a railroad in this State, where such person, firm, association, corporation, or receivers, or receiver, or his, its, or their employees, maintain a hospital, furnishing hospitalization to injured persons, where the said injured person is actually receiving treatment, care and maintenance in the hospital so owned by such person, firm, association, corporation, receiver or receivers, or his, its, or their employees.

Sec. 4. Every County Clerk shall at the expense of the County, provided a suitable well-bound book, to be called the "Hospital Lien Docket," upon which, on the filing of lien claims under the provisions of this Act he shall enter the name of the injured person, the date of the accident, the name and address of the hospital or clinic or other institution making the claim, and the amount thereof.

And the said clerk shall make a proper index of the same in the name of the injured person, and such clerk shall be entitled to fifty cents (50c) for filing each claim and such fee shall be accountable as fees of office.

The term "corporation" as used in this Article shall include all municipal corporation, as well as all private, public, and quasi-public corporations, except county and common and independent school districts.

Sec. 4a. Any person or persons, firm or firms, corporation or corporations legally liable, or against whom a claim shall be asserted for compensation for such injuries, shall be permitted to examine the records of any such association, corporation, or other institution or body maintaining such hospital in reference to such treatment, care and maintenance of such injured person, under such reasonable

rules and regulations as such hospital may require, and the hospital record with respect to the injured person or persons may be admitted in evidence in any proceeding with respect to the recovery of damages.

Sec. 4b. To discharge any notices filed under the provisions of this Act the hospital authorities or person in charge of the finances of said hospital to whom said lien has been duly paid shall execute a certificate to the effect that the claim filed by such hospital for treatment, care and maintenance therein has been duly paid or released and authorizing the Clerk of the County in whose office said notice of hospital lien has been filed, to discharge the same; and thereupon such clerk shall enter upon the margin of the hospital lien docket in which the said hospital lien has been entered, a memorandum of such filing and the date when such certificate of payment or release was filed in his office, which certificate and entry shall constitute a discharge of lien, for which the clerk shall receive the sum of fifty cents (50c) and such fee shall be accountable as fees of office.

Sec. 4c. The provisions of this Act shall not give to any such hospital, or any person, firm or corporation claiming under it, any lien, claim, right, or demand upon the proceeds of any insurance policy in favor of the injured party, his beneficiaries, or legal representatives, and none of the provisions of this Act shall have application thereto. Provided, however, this section shall not include public liability insurance carried by the insured to protect him against loss or damage as a result of any accident or collision covered by said public liability insurance policy.

Section 2. If any part of this Act is declared by the courts to be unconstitutional such decision shall not affect the validity of the remaining part of this Act, unless the part held unconstitutional is indispensable to the operation of the remaining part and the Legislature hereby declares that it would have passed those parts of the Act which are valid and omitted any parts which may be unconstitutional, if it had been advised of such unconstitutionality at the time of the passage of this Act.

Section 3. All laws and parts of laws in conflict herewith are hereby repealed.

Section 4. The fact that it is neces-

sary for persons injured in accidents to be taken immediately to hospitals to receive care and treatment for their injuries and to be maintained during such care and treatment, and the fact that the present law is inadequate covering the subject matter of this bill creates an emergency and an imperative public necessity that the constitutional rule which requires bills to be read on three several days be suspended and said constitutional rule is hereby suspended and this Act shall take effect and be in full force from and after its passage and it is so enacted.

The Committee Amendment was adopted.

Senator Corbin offered the following Committee Amendment to the bill:

Amend S. B. No. 136 by striking out each line that appears above the enacting clause and substituting in lieu thereof the following:

#### A BILL

#### TO BE ENTITLED

"An Act to amend Article 5506a, Revised Civil Statutes of Texas, 1925, as amended, be amended, providing for liens in favor of hospitals and other institutions furnishing care, treatment and maintenance of persons injured in accidents, upon the rights of action, claims and demands of such injured persons against other persons or corporations, partnerships or associations for damages on account of negligence causing the injuries and upon the proceeds of the settlements of any such claims or demands; providing certain exemptions; and declaring an emergency."

The Committee Amendment was adopted.

The bill, as amended, was passed to engrossment.

#### Senate Bill 136 on Third Reading

Senator Corbin moved that the Constitutional rule requiring bills to be read on three several days be suspended and that Senate Bill No. 136 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—28

Aikin

Ashley

Bell	Moore
Bracewell	Parkhouse
Colson	Phillips
Corbin	Rogers
Fuller	of Childress
Hardeman	Rogers of Travis
Hazlewood	Rutherford
Kazen	Sadler
Kelley	Secrest
Lane	Shireman
Latimer	Strauss
Lock	Wagon seller
Martin	Willis
Moffett	

#### Present—Not Voting

McDonald

#### Absent—Excused

Russell

Weinert

The presiding officer then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

#### Yeas—29

Aikin	McDonald
Ashley	Moffett
Bell	Moore
Bracewell	Parkhouse
Colson	Phillips
Corbin	Rogers
Fuller	of Childress
Hardeman	Rogers of Travis
Hazlewood	Rutherford
Kazen	Sadler
Kelley	Secrest
Lane	Shireman
Latimer	Strauss
Lock	Wagon seller
Martin	Willis

#### Absent—Excused

Russell

Weinert

#### House Bills on First Reading

The following bills received from the House were read the first time and referred to the committees indicated:

H. B. No. 175, To the Committee on Water Rights, Irrigation and Drainage.

H. B. No. 75, To the Committee on Judicial Districts.

#### Adjournment

On motion of Senator Hardeman the Senate at 12:17 o'clock p.m. adjourned until 10:30 o'clock a.m. tomorrow.